

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Figs. 10A-E and replaces the original sheet with Figs. 10A-E.

Attachment: Replacement Sheet

REMARKS

Claims 19 and 21-26 are pending in this application. By this Amendment, the Abstract, specification, drawings, and claims 19, 21 and 23 are amended, claims 1-18 are canceled without prejudice to or disclaimer of the subject matter found therein, and claims 25-26 are added. No new matter is added.

The Office Action objects to the drawings and specification. By this Amendment, Fig. 10A-E are amended to include a "Prior Art" label. The specification is amended to eliminate reference to element 20. Withdrawal of the objection is respectfully requested.

The Office Action also objects to the Abstract. A new Abstract is included that remedies the informality noted by the Examiner and is now directed to the claimed device. Withdrawal of the objection is respectfully requested.

The Office Action rejects claims 19 and 24 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. US2002/0110169A1 to Iwai et al. This rejection is respectfully traversed.

Claim 19 is amended to add a "protective film that covers the compound semiconductor layer and partially covers the electrode." This is supported, for example, by protective film 12 shown in Figs. 3 and 6-8 and described at pg. 11, lines 25-26 and pg. 14, line 25 to pg. 15, line 7. The protective film 12 protects a surface of the compound semiconductor layer 10, such as emission window 11a.

Iwai fails to disclose a protective film layer as claimed. Because Iwai fails to teach each and every feature of independent claim 19, claim 19 and claims dependent therefrom, including claim 24, are not anticipated by Iwai. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 20-23 under 35 U.S.C. §103(a) over U.S. Patent No. 5,945,690 to Saito et al. This rejection is respectfully traversed.

Claim 20 is canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 21-23 are amended to depend from independent claim 19.

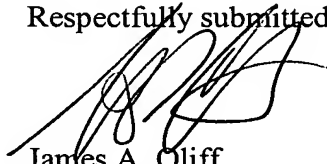
Iwai is discussed above and fails to disclose a protective film. Saito fails to overcome the deficiencies of Iwai with respect to independent claim 19. Accordingly, claims 21-23 are allowable for their dependence on base claim 19 and for the additional features recited therein. Withdrawal of the rejection is respectfully requested.

Claims 25-26 are added. Claim 25 adds that the protective film covers an emission window. This is supported, for example, by Fig. 3. The window in Iwai is not covered. Saito fails to overcome this deficiency. Therefore, claim 25 is deemed allowable for its dependence on base claim 19 and for the additional features recited therein. Claim 26 adds that the compound semiconductor layer is totally covered by the combination of an insulation film, protective film, and electrode. This is supported, for example, by Fig. 3. A compound semiconductor layer in Iwai is not totally covered in Iwai or Saito. Therefore, claim 26 is deemed allowable for its dependence on base claim 19 and for the additional features recited therein.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 19, and 21-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Amended Abstract
Replacement Drawing Figs. 10A-E

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